



Attorney Docket: C013-1002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric Robinson

2003 JUN 25

Examiner: Uyen T. Le

Serial No.: 09/416,675

BOARD OF PATENT APPEALS  
AND INTERFERENCES

Unit: 2171

Date Filed: October 12, 1999

(Appeal No. 2003-0744)

For: AUTOMATIC BACKUP SYSTEM

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Dated: 6/12/03

Maureen Vieira  
Maureen Vieira

REQUEST FOR RECONSIDERATION

Sir:

The above-identified application is under appeal, Appeal No. 2003-0744. In an Order Remanding To Examiner, mailed on May 9, 2003, the Board remanded the above-identified application to the Examiner for consideration of request for a one month extension of time under 1.136(b), filed February 14, 2003, and determination whether reply brief filed April 22, 2003 (Paper No. 24) would be considered timely based on the extension of time filed January 14, 2003. If timely or not, notification was to be furnished to the applicant.

On May 19, 2003 a communication was mailed to the applicant setting forth the following:

"It is noted that on 14 February 2003, applicant filed a request for one month extension of time under 37 CFR 1.136(b) to reply to the examiner's answer mailed on 17 December 2002. This request extends the date for applicant to reply to 17 March 2003. However, the Reply Brief was not filed until 16 April 2003. Therefore, the Reply Brief is not timely and has not been considered nor entered."

On March 12, 2003, a second request for a one month extension of time was filed by facsimile in the above-identified application (a true copy is enclosed together with a copy of the fax log report). Also attached is a declaration from the undersigned's secretary certifying that she facsimiled the Request for Second One Month Extension of Time to Mr. Safet Metjahic, Supervisory Patent Examiner, Technology Center 2100, U.S. Patent and Trademark Office (Fax 703-746-4456). The request was filed before the lapse of the first period of extension of time. The second extension of time would extend the period to respond beyond April 16, 2003. The Reply Brief was filed on April 16, 2003. It is respectfully submitted that the Reply Brief was timely filed.

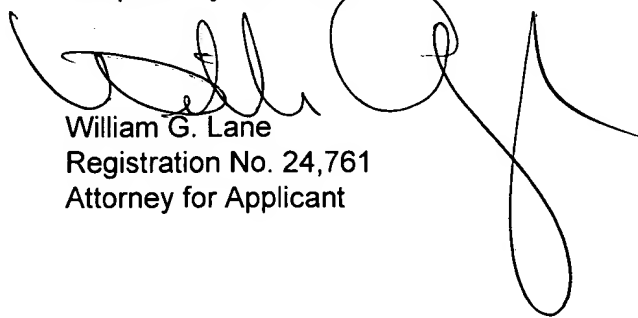
In view of the above, the undersigned requests that the Applicant's Reply To The Examiner's Answer be entered in the appeal and considered.

Date:

June 12, 2003

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Respectfully submitted,

  
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